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Attorney File Ref: 102790-172 / 30051 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thomas MCGEE et al.
Serial No.: 10/597542
Filed: 28.Jul.2006
Examiner: Timothy E BETTON
Art Group: 1617
Title: ANTIFUNGAL COMPOSITIONS

PER ELECTRONIC FILING SYSTEM (EFS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

18 July 2008

Dear Sir,

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

This paper is responsive to the *Restriction Requirement* dated 18.Jun.2008.

At the outset, the applicant TRAVERSES the Examiner's requirement as to the election between the following grouping of the claims:

- Group I: claims 1 - 5
- Group II: claims 6 - 13

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It is the applicant's position that notwithstanding the Examiner's comments that various class and subclass designations may be applied to the above groups of claims, that the subject matter of the claims are sufficiently proximate and overlapping in technical nature that a search on one group of claims would likely result in a sufficiently broad search ample to assess the patentability of *all* of the claims.

Nonetheless, if the Examiner does not withdraw the outstanding *Restriction Requirement*, the applicant provisionally elects the subject matter of the Group I claims, with TRAVERSE.

The applicant also traverses the Examiner's election of species requirement. It is the applicant's position that the nature of the claimed compounds are sufficiently similar such that a single coextensive search of the prior art relating to the currently claimed invention may be made, and without imposing an undue burden on the Examiner.

Nonetheless, if the Examiner does not withdraw the outstanding *election of species* requirement, and with reference to the species outlined by the Examiner, the applicant provisionally elects the subject matter of the Group I claims, with TRAVERSE.

of the 2 fragrance components from list a - f:

- a) cyclic aldehydes
- b) cyclic alcohols

of the fragrance components from claim 3:

3-methyl-5-phenyl-pentanol

As to the "branched" or "unbranched" linear alcohols and aldehydes of claim 1:

branched

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The foregoing election of species are believed to be complete in view of applications provisional election of the Group I claims (claims 1 – 5).

The applicant expressly reserves their right to reinstate any non-elected subject matter indicated this paper in a later filed application.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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18 July 2008
Date:

Certification of Telefax Transmission:

I hereby certify that this paper is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:

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